

EXHIBIT 1

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

		For Prothonotary Use Only (Docket Number)		
		JUNE 2021 E-Filing Number: 2106054256 002118		
PLAINTIFF'S NAME MOHAMMED OZRAIL		DEFENDANT'S NAME JOSE MARTINEZ-COLON		
PLAINTIFF'S ADDRESS 9752 HILSPACH STREET FLOOR 2 PHILADELPHIA PA 19115		DEFENDANT'S ADDRESS 44 WEST MONTROSE STREET VINELAND NJ 08360		
PLAINTIFF'S NAME		DEFENDANT'S NAME MILLER DEDICATED SERVICES LLC		
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 66 KELLER AVENUE LANCASTER PA 17601		
PLAINTIFF'S NAME		DEFENDANT'S NAME MILLER AUTO LEASING CO.		
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1592 RTE P.O. BOX 619 LUMBERTON NJ 08048		
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions		
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Other:	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition	<input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT				
STATUTORY BASIS FOR CAUSE OF ACTION				
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) FILED PRO PROTHY JUN 28 2021 S. RICE			IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>MOHAMMED OZRAIL</u> Papers may be served at the address set forth below.				
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY FEEDA R. MUSITIEF		ADDRESS THE MUSITIEF FIRM LLC 1333 RACE ST PHILADELPHIA PA 19107		
PHONE NUMBER (215) 703-5400	FAX NUMBER (215) 703-5400			
SUPREME COURT IDENTIFICATION NO. 202768		E-MAIL ADDRESS fm@musitief.com		
SIGNATURE OF FILING ATTORNEY OR PARTY FEEDA MUSITIEF		DATE SUBMITTED Monday, June 28, 2021, 05:43 pm		

COMPLETE LIST OF DEFENDANTS:

1. JOSE MARTINEZ-COLON
44 WEST MONTROSE STREET
VINELAND NJ 08360
2. MILLER DEDICATED SERVICES LLC
66 KELLER AVENUE
LANCASTER PA 17601
3. MILLER AUTO LEASING CO.
1592 RTE P.O. BOX 619
LUMBERTON NJ 08048
4. SEASHORE FRUIT AND PRODUCE CO.
1344 NW BOULEVARD
VINELAND NJ 08360

THE MUSITIEF FIRM LLC
BY: Feeda R. Musitief, Esquire
Attorney I.D.: 202768
1333 RACE STREET
PHILADELPHIA, PA 19107-1585
215-703-5400
fm@musitief.com

ATTORNEY FOR PLAINTIFF
*Filed and Attested by the
Office of Judicial Records
28 JUN 2021 05:43 pm
S. RICE*

MAJOR NON-JURY

MOHAMMED OZRAIL : COURT OF COMMON PLEAS
9752 Hilspach Street, Fl 2 : PHILADELPHIA COUNTY
Philadelphia, PA 19115 :
Plaintiff,
v.
JOSE MARTINEZ-COLON : TERM _____, 2021
44 West Montrose Street : NO.
Vineland, NJ 08360 :
&
MILLER DEDICATED SERVICES LLC :
66 Keller Avenue :
Lancaster, PA 17601 :
&
MILLER AUTO LEASING CO. :
1592 RTE PO Box 619 :
Lumberton, NJ 08048 :
&
SEASHORE FRUIT AND PRODUCE CO. :
1344 NW Boulevard :
Vineland, NJ 08360 :

Defendants.

NOTICE TO PLEAD

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or

AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo

for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral & Information Service
1101 Market Street, 11th Floor
Philadelphia, PA 19107
(215) 238-6333 TTY# (215) 451-6197

aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA
Servicio De Referencia E. Informacion
1101 Market Street, 11th Floor
(215) 238-6333 TTY# (215) 451-6197

THE MUSITIEF FIRM LLC
BY: Feeda R. Musitief, Esquire
Attorney I.D.: 202768
1333 RACE STREET
PHILADELPHIA, PA 19107-1585
215-703-5400
fm@musitief.com

ATTORNEY FOR PLAINTIFF

MAJOR NON-JURY

MOHAMMED OZRAIL	:	COURT OF COMMON PLEAS
9752 Hilspach Street, Fl 2	:	PHILADELPHIA COUNTY
Philadelphia, PA 19115	:	
Plaintiff,	:	
v.	:	TERM _____, 2021
JOSE MARTINEZ-COLON	:	NO.
44 West Montrose Street	:	
Vineland, NJ 08360	:	
&	:	
MILLER DEDICATED SERVICES LLC	:	
66 Keller Ave	:	
Lancaster, PA 17601	:	
&	:	
MILLER AUTO LEASING CO.	:	
1592 RTE PO Box 619	:	
Lumberton, NJ 08048	:	
&	:	
SEASHORE FRUIT AND PRODUCE CO.	:	
1344 NW Blvd	:	
Vineland, NJ 08360	:	

Defendants.

COMPLAINT

Plaintiff, Mohammed Ozrail, by and through his attorneys, The Musitief Firm LLC, states that he has multiple causes of action against Defendants, Jose Martinez-Colon, Miller Dedicated Services LLC., Miller Auto Leasing Co., and Seashore Fruit and Produce Company and in support thereof avers the following:

I: PARTIES

1. Plaintiff, Mohammed Ozrail, is an adult individual and resident of the Commonwealth of Pennsylvania residing at the above stated address.
2. Defendant, Jose Martinez-Colon, is an adult individual and resident of the Commonwealth of Pennsylvania residing at the above stated address.
3. Defendant, Miller Dedicated Service LLC, upon information and belief, is a corporation or other business entity and has an office at the above stated address.
4. Defendant, Miller Auto Leasing Co., upon information and belief, is a corporation or other business entity and has an office at the above stated address.
5. Defendant, Seashore Fruit and Produce Co., upon information and belief, is a corporation or other business entity and has an office at the above stated address.
6. Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., upon information and belief, were the owners of the vehicle that struck Plaintiff's vehicle.
7. At all material times Defendant, Martinez-Colon, was an authorized employee, agent, worker, and/or contractor of Defendants Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co
8. At all material times defendant, Martinez-Colon, was in the course and scope of his employment and/or agency with Defendants Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co

II. JURISDICTION AND VENUE

9. Jurisdiction and Venue are proper in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania in that all events relevant to this matter occurred in Philadelphia County, Commonwealth of Pennsylvania.

III: OPERATIVE FACTS

10. On or about November 22, 2019, Plaintiff, Mohammed Ozrail, was operating his vehicle with the right of way on South Broad Street in the right lane at or near South Penn Square in the City of Philadelphia, Commonwealth of Pennsylvania.
11. At all material times Defendant, Jose Martinez-Colon, was operating a large truck that was in the center lane of South Broad Street.
12. At said date and time, Defendant, Jose Martinez-Colon, negligently and carelessly operated his vehicle and, suddenly and without warning, entered Plaintiff's lane of travel and violently struck Plaintiff's vehicle.
13. As a direct and proximate result of the collision, Plaintiff was caused to suffer severe and permanent injuries as more fully described below.
14. The collision was caused solely by the negligence and carelessness of Defendant, Jose Martinez-Colon.
15. Plaintiff is entitled to recover full tort benefits.

COUNT I: NEGLIGENCE
MOHAMMED OZRAIL v. JOSE MARTINEZ-COLON

16. The averments of all preceding paragraphs are incorporated by reference as though fully set forth herein.
17. The aforesaid collision was caused solely by the negligence and carelessness of Defendant, Jose Martinez-Colon, and consisted of some or all of the following:
 - a. Failing to keep a reasonable and proper lookout for other vehicles on the street road or highway, directly in front of Defendant;
 - b. Operating said motor vehicle at a high, excessive, imprudent and unsafe rate of speed under the circumstances and prevailing conditions in violation of 75 Pa. C.S.A. §3361;
 - c. Failing to have and maintain the said motor vehicle under proper and adequate control under the circumstances so that it could stop without endangering other vehicles on the road;
 - d. Driving in a careless disregard for the safety of others, in violation of 75 Pa. C.S.A. §3714;
 - e. Operating his vehicle at a high and excessive rate of speed under the circumstances;
 - f. Failing to have his vehicle under proper and adequate control at all times relevant hereto;
 - g. Failing to give proper and sufficient warning of the approach of his vehicle;
 - h. Driving and operating his vehicle in a careless and inattentive manner;
 - i. Following other drivers too closely;
 - j. Improperly switching lanes of travel;
 - k. Striking Plaintiff's vehicle;

1. Improperly trying to go around Plaintiff's vehicle.
- m. Failing to pay proper attention to his immediate surroundings;
- n. Negligence per se for, inter alia, violating the above enumerated cited and other statutes of Pennsylvania relating to the operation of motor vehicles on the streets and highways; and
- o. Failing to exercise due care under the circumstances.

18. As a direct result of the negligence and carelessness of Defendant, aforesaid Plaintiff sustained serious and permanent injuries which caused a substantial and serious impairment of bodily function. Plaintiff's injuries include without limitation multiple disc herniations at L5-S1, L4-5, L1-2 and L5-S1; annular protrusions at L4-L5; disc bulging at C2-C3, C3-C4, C4-C5; L3-4, and L2-3; lumbar S1 radiculopathy and C7-T1; straightening of the cervical lordosis, anterior tibialis, triceps, and biceps, numbness in left leg and foot, radiating pain in lower back, scapula, and knee, cervical and lumbar spondylosis injuries to his muscles, tendons, discs, nerves, ligaments, shoulder, neck, back, muscular weakness, decreased range of motion, other ills and injuries, and aggravation of preexisting conditions if any all or some of which injuries are or may be permanent. Plaintiff was prevented from attending to his usual duties and activities, has and continues to suffer pain of mind and body, and, in addition, he has suffered and/or will suffer a loss of earnings and/or earning capacity and other economic losses including but not limited to outstanding medical bills and the need to incur costs for future treatment all to his financial detriment

WHEREFORE, Plaintiff, Mohammed Ozrail, hereby requests this Honorable Court to enter judgment in his favor and against Defendant, Jose Martinez-Colon, in a sum greater than \$50,000.00 plus interest, delay damages, and costs of suit.

COUNT II - NEGLIGENT ENTRUSTMENT/ RESPONDEAT SUPERIOR
MOHAMMED OZRAIL v. MILLER DEDICATED SERVICES LLC, MILLER AUTO

LEASING CO., AND SEASHORE FRUIT AND PRODUCE CO.

19. Plaintiff repeats and incorporates every allegation contained in the above paragraphs as if fully stated herein.
20. Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., at all material times herein, owned the motor vehicle which struck Plaintiff while traveling at the aforementioned place.
21. At all times material hereto, Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., authorized and permitted Defendant, Jose Martinez-Colon, to use its motor vehicle.
22. Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., are vicariously liable for the negligent and careless acts of its permissive user, employee, or agent, Defendant, Jose Martinez-Colon, who at all material times was acting within the scope of said authority, employment, and/or agency.
23. Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., knew or should have known that Defendant, Jose Martinez-Colon, was incapable of safely operating a motor vehicle.
24. While operating Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co.'s motor vehicle, Defendant, Jose Martinez-Colon, negligently and carelessly struck Plaintiff.
25. Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., knew and/or had reason to know that Defendant, Jose Martinez-Colon, would operate the vehicle in a negligent and careless manner causing injury to other people on the road.

26. Defendant, Jose Martinez-Colon, did in fact operate the vehicle in a negligent and careless manner causing injury to Plaintiff.
27. Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co, negligently entrusted Defendant, Jose Martinez-Colon, to operate its vehicle.
28. As a direct result of the negligence of Defendants, aforesaid, Plaintiff sustained serious and permanent injuries as mentioned above.

WHEREFORE, Plaintiff, Mohammed Ozrail, hereby requests this Honorable Court to enter judgment in his favor and against Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., in a sum greater than \$50,000.00 plus interest, delay damages, and costs of suit.

COUNT III: PUNITIVE DAMAGES

MOHAMMED OZRAIL, V. JOSE MARTINEZ-COLON, MILLER DEDICATED SERVICES LLC, MILLER AUTO LEASING CO., AND SEASHORE FRUIT AND PRODUCE CO.

29. Plaintiff herein incorporates by reference the allegations contained in all prior Paragraphs as if fully set forth at length herein.
30. At the time of the aforementioned crash, Defendant, Jose Martinez-Colon, was operating a truck for Defendants, Miller Dedicated Service LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co in a complete reckless disregard for the safety of the public including but not limited to Jose Martinez-Colon
31. A truck is an extremely dangerous vehicle to operate.
32. Operating a truck at an excessive rate of speed while attempting to maneuver through an intersection needlessly endangers the public.

33. Upon information and belief, in addition to traveling at an excessive rate of speed, Defendant, Jose Martinez-Colon, was operating his vehicle while distracted and/or impaired.
34. At the time of the collision, Defendant, Jose Martinez-Colon, was operating his vehicle at an excessive rate of speed upon intersection of South Broad Street and South Penn Square in the City of Philadelphia, Commonwealth of Pennsylvania, needlessly endangering members of the public including but not limited to Plaintiff, Mohammed Ozrail.
35. At the time of the collision, Defendant, Jose Martinez-Colon, operated the truck at an excessive rate of speed, striking Plaintiff's vehicle so forcefully it severely damaged Plaintiff's vehicle.
36. Defendant, Jose Martinez-Colon, knew or recklessly disregarded the propensity for severe harm resulting to others, including Plaintiff, by operating a truck at an excessive speed, placing member of the public, including Plaintiff, in serious jeopardy.
37. At all material times, Defendants, Miller Dedicated Services LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co., recklessly or deliberately disregarded the probability of causing severe harm to members of the public including but not limited to Plaintiff by failing to properly supervise, train and hire drivers who could safely operate a truck on the roadways.
38. Defendants, Miller Dedicated Services LLC, Miller Auto Leasing Co., and Seashore Fruit and Produce Co, is further liable for the negligent and reckless hiring, training, and supervision of its employees and/or contractors including Defendant, Jose Martinez-Colon.
39. Defendants, Miller Dedicated Services LLC, Miller Auto Leasing Co., Seashore Fruit and Produce Co, and Jose Martinez-Colon actions were wanton and reckless.

40. As a direct and proximate result of recklessness of Defendants as aforesaid, Plaintiff sustained serious and permanent injuries as aforementioned above.

41. Punitive Damages are appropriate against Defendants, Miller Dedicated Services LLC, Miller Auto Leasing Co., Seashore Fruit and Produce Co., and Jose Martinez-Colon.

WHEREFORE, Plaintiff, Mohammed Ozrail, hereby requests this Honorable Court to enter judgment in his favor and against Defendants, against Defendants, Miller Dedicated Services LLC, Miller Auto Leasing Co., Seashore Fruit and Produce Co., and Jose Martinez-Colon, in a sum more than \$50,000 plus interest, delay damages, punitive damages and cost of suit.

COUNT IV: PROPERTY DAMAGES

MOHAMMED OZRAIL V. JOSE MARTINEZ-COLON, MILLER DEDICATED SERVICES LLC, MILLER AUTO LEASING CO., AND SEASHORE FRUIT AND PRODUCE CO.

42. Plaintiff herein incorporates by reference the allegations contained in all prior Paragraphs as if fully set forth at length herein.

43. As a result of the aforesaid collision and negligence of Defendants, Plaintiff, Mohammed Ozrail's 2013 Nissan Altima was damaged and in need of repairs.

44. Plaintiff, Mohammed Ozrail, has incurred vehicle and travel expenses to and from medical providers and suffered other pecuniary damages.

45. As a direct result of the crash, Plaintiff, Mohammed Ozrail, may have suffered a diminution in value.

46. Plaintiff, Mohammed Ozrail, is entitled to recover costs for any towing, storage or car rentals, if any.

47. Plaintiff, Mohammed Ozrail, is entitled to recover all appropriate property damages.

WHEREFORE, Plaintiff, Mohammed Ozrail, hereby request this Honorable Court to enter judgment in his favor and against Defendants, Miller Dedicated Services LLC, Miller Auto Leasing Co., Seashore Fruit and Produce Co., and Jose Martinez-Colon, in a sum greater than \$50,000.00 plus interest, delay damages, and costs of suit.

Respectfully Submitted,

THE MUSITIEF FIRM, LLC

BY:


FEEDAR R. MUSITIEF, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, Mohammed Ozrail hereby state that I am the Plaintiff in this matter and that the averments contained in the foregoing pleading/discovery document(s) are true and correct to the best of my knowledge, information and belief, and further that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification.

Mohammed Ozrail
Mohammed Ozrail